



CITY OF HAYWARD AGENDA REPORT

Meeting Date: 7/10/03
Agenda Item: 4

TO: Planning Commission

FROM: Richard Patenaude, Principal Planner

SUBJECT: Findings and Conditions of Approval for Site Plan Review No. PL-2003-0012 – James Jensen (Applicant/Owner) - Request to Construct a Single-Family Dwelling with a Two-Car Garage that Exceeds 50 Percent of the Frontage of the Dwelling

The Property Is Located at 24431 Second Street in a RSB6 (Single-Family Residential) Zoning District

RECOMMENDATION:

It is recommended that the Planning Commission adopt the Findings and approve the Conditions of Approval.

BACKGROUND:

On March 24, 2003, the Planning Director denied Site Plan Review PL 2003-0012, to construct a single-family dwelling, because the Planning Director determined that the design of the residence does not meet the *City's Design Guidelines* regarding the garage exceeding 50 percent of the frontage of the dwelling. The applicant appealed the Planning Director's decision, and the Planning Commission heard this matter on June 12, 2003. The Planning Commission upheld the appeal and approved the applicant's request based on review of appropriate findings and conditions of approval (see Exhibits B and C).

The Commission agreed that the side-loaded garage doors reduce the visual impact of the garage, as viewed from Second Street, and that the garage itself buffers the living area of the house from noise of the Second Street traffic. The Commission also expressed its desire that the house be redesigned to preserve the mature 12-inch diameter oak tree to the rear of the property, and this has been made a condition of approval.

Prepared by:

A handwritten signature in black ink, appearing to be "R. Patenaude", written over a horizontal line.

Richard E. Patenaude, AICP
Principal Planner

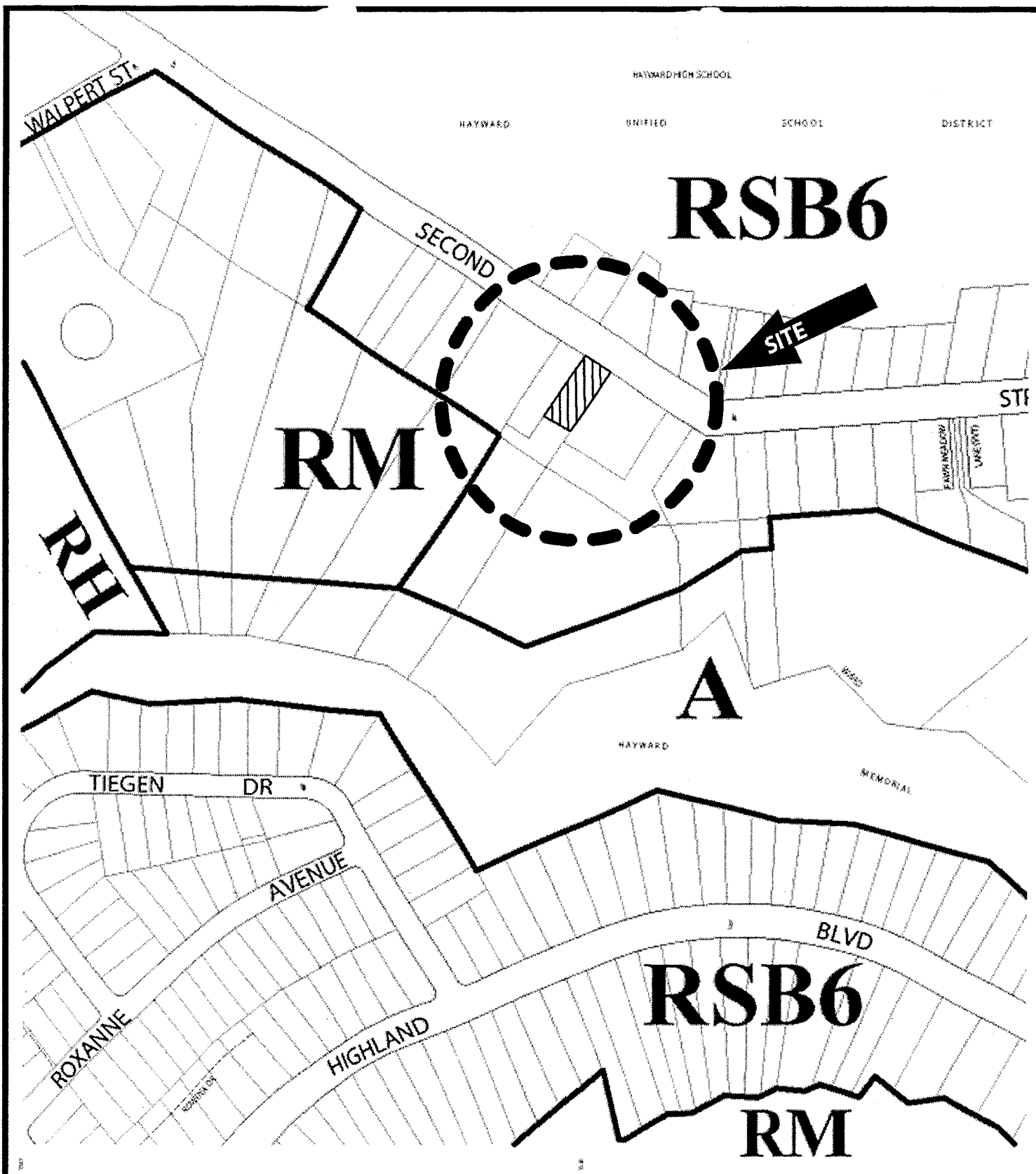
Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area Map
- B. Findings for Approval
- C. Conditions of Approval
- D. Planning Commission Agenda Report/Minutes – 6/12/03
Plans



Area & Zoning Map

PL-2003-0012 SPR/VAR

Address: 24431 2nd Street

Applicant: James Jensen

Owner: James Jensen

A-Agricultural-ABSA,AB10A,AB100A,AB160A

PD-Planned Development

RH-High Density Residential RHB 7

RM-Medium Density Residential RMB 3.5, RMB 4

RS-Single-Family Residential,RSB4,RSB6



**City Of Hayward
Planning Division
Findings for Approval
July 10, 2003**

SITE PLAN REVIEW APPLICATION NO. PL-2003-0012: James Jensen (Applicant/Owner) - Request to Construct a Single-Family Dwelling with a Two-Car Garage that Exceeds 50 Percent of the Frontage of the Dwelling

The Property Is Located at 24431 Second Street in a RSB6 (Single-Family Residential) Zoning District

- A. Approval of Site Plan Review Permit No. PL-2003-0012, as conditioned, will have no significant impact on the environment, cumulative or otherwise, and the project reflects the City's independent judgment and is exempt from CEQA under Section 15303 (New Construction or Conversion of Small Structures).
- B. The single-family home and two-car garage will be compatible with surrounding single-family homes and is an attractive addition to the neighborhood.
- C. The single-family home and two-car garage, as conditioned, takes into consideration physical and environmental constraints of the site.
- D. There are overriding circumstances regarding local traffic and noise whereby compliance with the Design Guidelines regarding garage and frontage width provides an unhealthful situation. However, the side-loaded garage creates an overall design whereby the single-family home and two-car garage complies with the intent of City development policies and regulations. Furthermore, the forward location of the garage would alleviate the occurrence of conflicting turning movements at the rear of the property.
- E. The single-family home and two-car garage will be comply in a manner determined to be acceptable and compatible with surrounding development in that the owner/applicant will use the property as a residence.

**City Of Hayward
Planning Division
Conditions of Approval
July 10, 2003**

SITE PLAN REVIEW APPLICATION NO. PL-2003-0012: James Jensen (Applicant/Owner) - Request to Construct a Single-Family Dwelling with a Two-Car Garage that Exceeds 50 Percent of the Frontage of the Dwelling

The Property Is Located at 24431 Second Street in a RSB6 (Single-Family Residential) Zoning District

1. Application No. PL-2003-0012 is approved subject to the conditions listed below. This permit becomes void on July 10, 2004, unless prior to that time a building permit application has been accepted for processing by the Building Official, or a time extension of this application is approved. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division 15 days prior to the above date.
2. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
3. Prior to issuance of a building permit, a drainage plan shall be submitted and approved by the Planning Director.
4. The common driveway shall be signed as a fire lane and posted for "No Parking".
5. Driveways shall be constructed to City Standard SD-110.
6. The garage shall be equipped with an automatic garage door opener.
7. The pavement of the driveway between the common drive and the garage door shall be enhanced by the use of decorative pavement materials such as colored, stamped concrete (bomanite or equal), brick, concrete interlocking pavers or other approved materials. The location, design and materials shall be approved by the Planning Director.
8. Any fence erected between the residence and the street shall be of an "open" style, such as wrought-iron or wood picket.
9. Submit revised plans that show adequate protection for the existing oak tree at the rear of the property. An arborists report is required, which shall determine measures for tree protection and preservation. Grading and improvement plans shall include the required measures as required by the City's Landscape Architect including the installation of a fence at the dripline of the tree during the construction period.

10. Landscaping and irrigation shall comply with the City's Water Efficient Landscape Ordinance. The front yards shall be limited to a maximum of 50 percent fescue turf. One street tree shall be installed within the front yard facing Second Street. The tree shall be a 24-inch box tree planted to City of Hayward details five feet behind sidewalk. The species shall be approved by the City Landscape Architect. The tree shall be planted according to the City Standard Detail SD-122. Indicate location of tree on revised plan.
11. Landscaping shall be maintained in a healthy, weed-free condition at all times with replacement plants provided where necessary. Required street and parking lot trees that are severely topped or pruned shall be immediately replaced.
12. The planting and maintenance of shrubs must not impair visibility at the intersection of the common drive and Second Street. The height of plant materials in areas where sight distance is critical is limited to three feet. Trees in these areas must be pruned such that the canopy provides adequate visibility.
13. Pursuant to the conditions of approval of Parcel Map 5946, one open parking space, in addition to the garage, shall be developed and maintained and shall be shown on the development plans for the residence.
14. Show on plans, location of proposed water meter. Keep in mind that water meters are to be located two feet from top of driveway flare as per City of Hayward Standard Details 213 thru 218. Water meters to be located a minimum of six feet from sanitary sewer lateral as per State Health Code.
15. If the water meter is visible from the public right-of-way, please screen it from public view with landscaping.
16. Please add the following notes to plans:
 - a. Provide keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate as per Hayward Municipal Code 11-2.02.1.
 - b. Only Water Distribution Personnel shall perform operation of valves on the Hayward Water System.
17. Water and Sewer service available subject to standard conditions and fees in effect at time of application.
18. Park Dedication In-Lieu Fees are required. Fees will be those in effect at the time of issuance of the building permit.
19. The Construction and Demolition Debris Recycling Statement shall be completed and submitted to the Solid Waste and Recycling Statement and a Summary Report. Please contact Vera Dahle-Lacaze, Solid Waste Manager at (510) 583-4725.
20. Violation of these conditions is cause for revocation of permit before the duly authorized review body.



CITY OF HAYWARD AGENDA REPORT

Meeting Date: 6/12/03
Agenda Item: 2

TO: Planning Commission

FROM: James V. De Luz

SUBJECT: Appeal of Planning Director Denial of Site Plan Review No. PL-2003-0012 – James Jensen (Applicant/Owner) - Request to Construct a Single-Family Dwelling with a Two-Car Garage that Exceeds 50 Percent of the Frontage of the Dwelling

The Property Is Located at 24431 Second Street in a RSB6 (Single-Family Residential) Zoning District

RECOMMENDATION:

It is recommended that the Planning Commission:

1. Find that the proposed project is categorically exempt from the California Environmental Quality Act (CEQA) guidelines pursuant to Section 15303, New Construction or Conversion of Small Structures, Class (3)(a), Single-Family residences not in conjunction with the building of two or more such units, and;
2. Deny the Site Plan Review subject to the attached findings.

BACKGROUND:

On March 24, 2003, the Planning Director denied Site Plan Review PL 2003-0012, to construct a single-family dwelling, because the house design does not meet the *City's Design Guidelines*. The garage exceeds 50 percent of the frontage of the dwelling, and there do not appear to be physical constraints relating to the size or shape of the property that would impede development in accordance with the *Design Guidelines*. The *Guidelines* state, "Limit garage to less than 50 percent of structure frontage in order to maintain living space overlooking the street." The applicant has appealed the Planning Director's decision (see attached letter of appeal dated April 6, 2003).

The property is located along the westerly side of Second Street approximately 900 feet south of Walpert Street in the Mission-Foothills Neighborhood. The lot is rectangular, with approximately 51 feet of frontage on Second Street, 132 feet of depth and approximately 5,634 net square feet of area. A 15-foot-wide-vehicular access easement along the easterly side of subject property encumbers 7.5 feet of the subject property and provides ingress and egress to

two landlocked parcels developed with single-family residences located southerly of the subject property.

Approval of Parcel Map 5946 in 1992 created this parcel. Staff did not support the subdivision because of the narrow property frontage and the lot area that would be less than that allowed in the RSB6 District. If the parcel map were approved, staff then concluded that the property could be developed in a reasonable manner despite the narrow frontage but that the design of a new dwelling should respect the aesthetics and density of the neighborhood and conform to parking requirements.

Staff also concluded that although the property would ultimately be only 33 feet in width, taking into consideration the width of the 7.5-foot easement and the 5-foot side yard setback requirement, *a home still could be designed with the living area at the front of the dwelling and the garage located at the rear* (see attached staff report dated February 11, 1992). A parking space, in addition to the two spaces within the garage, was also required as a condition of the parcel map approval and the property owner was required to record a deed restriction to provide the additional on-site open parking space. The applicant states that movement of the garage to the rear of the property would cause traffic conflict within the easement. However, a garage at the front would still share the easement with only two other homes. Single-family residences typically create 10 vehicular trips per day.

A mature 12-inch diameter oak tree is located along the westerly property line. The applicant stated he intends to preserve the oak although the site plan shows that the dwelling foundation is only 3 feet from the tree. *City Design Guidelines* state, "Retain existing healthy mature plant materials as much as possible, especially large trees." The Tree Preservation Ordinance protects trees with a 30-inch, or greater, circumference; a permit is required for removal. In any case, submittal of an arborist's report addressing house design, foundation design, and tree location prior to site plan review approval would be appropriate.

The applicant's design does not reflect City Design Guidelines or the requirements of the parcel map approval. The garage dominates the front elevation of the dwelling in that it exceeds 50 percent of the dwelling frontage. The remaining frontage scarcely leaves sufficient area for a front door and porch and no room at all for a front window to overlook the street which conflicts with City Design Guidelines. Staff has recommended to the applicant redesign so that the living area of the dwelling is at the front and the garage at the rear of the dwelling. Redesign would be appropriate also to provide protection of the existing large oak tree. The applicant has not been willing to make these changes. Therefore, staff recommends denial of the site plan review application.

ENVIRONMENTAL REVIEW:

The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15303, New Construction or Conversion of Small Structures, Class (3), (a) Single-Family Residences not in conjunction with the building of two or more such units.

In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.

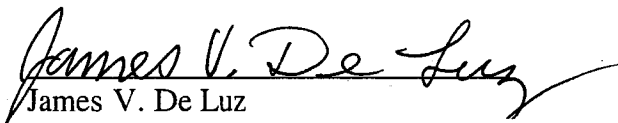
PUBLIC NOTICE:

On June 2, 2003, a Notice of Public Hearing for the Planning Commission hearing was mailed to all property owners and residents within 300 feet of the project site. Notice was also provided to members of the Mission Foothills Task Force.

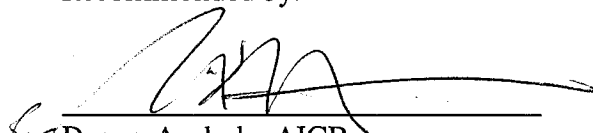
CONCLUSION:

It is staff's opinion there are no physical constraints relating to the size or shape of the property that would impede development in accordance with City Design Guidelines and that there are several design alternatives by which the applicant may locate an attached or a detached double-car garage at the rear of the of the dwelling.

Prepared by:


James V. De Luz
Assistant Planner

Recommended by:


Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area Map
- B. Findings for Denial
- C. Applicant's Appeal Letter dated 4/06/2003
- D. Letters of Support
- E. Parcel Map 5946 Staff Report dated 2/13/1992
Plans



The ~~motion passed 7:0~~. Chairperson Bogue noted that this could be appealed to the City Council.

2. Appeal of Planning Director Denial of Site Plan Review No. PL-2003-0012 - James Jensen (Applicant/Owner) – Request to Construct a Single-Family Dwelling with a Two-Car Garage that Exceeds 50 Percent of the Frontage of the Dwelling – The Property is Located at 24431 Second Street

Assistant Planner DeLuz presented. He noted that currently the property is vacant. The Landscape Architect is asking for an arborists report on trees at the site. He asked the Commission to uphold the Planning Director's denial of the site plan review since staff cannot find grounds to support the applicant.

Commissioner Halliday asked Assistant Planner DeLuz to discuss the applicant's indication that he was not told about the concern staff had with the garage location in the front of the site.

Assistant Planner DeLuz said that when he saw the application, the garage was an issue. He added that when the Parcel map report was filed in 1993. That would have been the time to dispute the garage requirement.

Commissioner Halliday discussed the design with garage doors on the east side and would parking in front of the garage would be blocking the view from the home. She noted that two other homes behind the lot use this driveway for access.

Commissioner Sacks. Asked for confirmation of the easement to the house from the back of the property and not the red fence house.

Assistant Planner DeLuz concurred that the easement presently was just to serve the two homes at the back.

Commissioner Zermeno asked about a letter in the staff report regarding a trench following the side of the driveway.

Assistant Planner DeLuz said it was not clear. However, there is a requirement to relocate the utilities underground. Since overhead service serves another property some accommodation will have to be made. He added he was not sure about the utility trench, however there has been discussion regarding the utility installation. This information would be presented at the building permit stage as to how the homes in back will be serviced.

The public hearing was opened at 8:18 p.m.

Kathy Catanho a neighbor to the back said she was not thrilled with the project of trenching down the driveway. She did support the applicant, though. It is a well-designed and well-constructed house, which would be an addition to the neighborhood. She said she would like to see the garage remain at the front since more traffic going down the easement would affect her. This design would keep cars closer to the street, which is good. She asked commissioners to give serious consideration of this request.

Commissioner Halliday asked her where she lived.

Ms. Catanho said northwest of the subject property. She described her house as to the right and setback from 2nd Street. She added that it is not a huge problem but she did not want to see more traffic through the driveway easement.

Harold Davis, who was speaking for Mr. Jensen, noted that they had modified the façade with windows and glass panels not to look like a garage. He added that it is a misconception that the house with the red fence does not use the driveway. Although at present it does not, it has the right to do so. As a result there would be more congestion with the garage in the rear. Presently it is difficult and dangerous to turn in the street, now cars back out into Second Street. He spoke to today's guidelines and said this is essentially a narrow lot that was legally created and previously approved by Planning Department and Planning Commission. He asked for approval of moving the garage toward the front.

Commissioner Sacks said she was curious about the drawing indicating the parking since none of the cars were parked in the garage.

Mr. Davis said he had never seen cars in the driveway. He noted that when there is not 20-feet, the requirement is to park in the garage, since they cannot park in the easement.

Commissioner Halliday said she had the same question. She then commented that they had done a nice job in designing the garage.

Mr. Davis indicated that cars would have to be in the garage. He suggested that the Commission might include a condition of no parking in front of the garage in the driveway.

Principal Planner Patenaude noted that the biggest issue with having such a condition would be enforcement since this would not be a high priority.

Commissioner Zermeño asked about the large tree on the lot and the plans for it.

Mr. Davis indicated that the site plan shows that the tree is three to four feet from the property line. The garage can be redesigned to keep it away from the tree. He added that the tree would be protected and that the applicant has no intension of damaging the tree.

James Jenson said he has lived there 30 years. He said he is the permanent owner and co-designer of the plans. He noted that the issue is the garage. He added that there are too many cars and turn-around is difficult. He said the fire insurance costs would be increased and lower the property values were the garage in back. He said he started with the plans in 1992, spent

**REGULAR MEETING OF THE PLANNING
COMMISSION, CITY OF HAYWARD****Council Chambers****Thursday, June 12, 2003, 7:30 P.M.****777 "B" Street, Hayward, CA 94541**

time, money and met with the neighbors. None of the neighbors want the garage in back. They all want the garage in front. It would provide a buffer for noise from the street, and vehicles, which might not make the turn coming off the street. Having the garage in front protects the occupants with no increase in traffic at the back and does not make the turn-around more difficult. He said it would create a better flow onto Second Street. He asked for a vacation from the City to widen the driveway. He added that there are sound reasons for erecting the garage in the front, adding that so far this has been a 15-year project.

Commissioner Halliday asked about the size of the house and how many cars there might be on the property.

Mr. Jensen said the gentleman who will help build it will also own and live in it and was available to speak to the issue.

Commissioner Halliday spoke to her concern of people parking in the driveway.

Mr. Jensen said he applied for the vacation from the City of Hayward to relieve the problem and save the tree, with further access in and out to the street. He commented that there is a tendency for neighbors to park their cars in front of their houses.

Justin Palmer, a neighbor from across the street, agreed parking is a problem. People end up backing out onto Second Street. He emphasized that more parking in the back would make the situation worse than it is. He added that the lot would look better with a house on it. He said his apartment is behind the car parking so there is no noise from the traffic on the street. It helps to buffer the noise. He noted that more cars in the back on this property would be dangerous.

Clyde Moch, prospective buyer and co-designer of the house, said if the garage were in the back, it would not fit their family's requirements since the back deck would disappear. He said they had consulted City staff to make sure plans would be satisfactory so they were surprised with the drastic design change. He said the street noise interrupts their lives. Having the garage in front would be a noise buster. He added that it would add a safety factor as well since this property is at the bottom of a downhill curve on Second Street. Any car going astray would go through the garage and not the house. He then asked for consideration of these points.

Commissioner Halliday asked him how many cars would they have when they live there.

Mr. Moch responded two cars that would park in the garage. He also noted that the front door is above the cars.

The public hearing was closed at 8:54 p.m.

Commissioner Zermeño suggested concentrating on the esthetic value of the house. He suggested it was a good project. He **moved**, seconded by Commissioner Sacks, to uphold the appeal of the denial.

Commissioner Sacks asked what they were to do about both CEQA and findings for approval of the appeal.

Assistant City Attorney Conneely suggested they could either craft the findings at this point or direct staff to bring back findings.

Commissioner Zermeño suggested they ask staff to bring back findings.

Chairperson Bogue suggested commissioners explain what the findings are and why it would be appropriate for staff to bring back findings.

Assistant City Attorney Conneely noted that there would be some basis for findings such as the situation of the lot on Second Street, the configuration of Second Street and the high volume of traffic, the fact that the driveway easement is shared by several properties, and that it is a flag-shaped lot.

Commissioner Sacks commented that the design itself has a lot to do with her support of the motion since the building really does not look like a garage.

Chairperson Bogue asked that the motion be modified for staff to bring back findings of approval.

Commissioner Sacks asked that it also include saving the tree on the property. This was agreed.

Commissioner Halliday commented that staff should easily make the findings. As the Assistant City Attorney noted it is an unusually shaped lot. As an aside, she added that they have done a pretty good job of designing a house that fits the lot. She noted that she learned that this might be the best location for the garage. It does face sideways and not face the street so it is not going to look that bad. She said she hoped they have a nice automatic garage door opener and use it. She added that all things considered this is a good solution.

Principal Planner Patenaude clarified that conditions would include the desire for a garage door opener and to save the tree. These were included in the motion.

Commissioner McKillop added one more condition. She said she did not want to see another cinderblock fence on Second Street, anything but cinder block. She added that actually the fence did not even need to be solid.

Commissioner Zermeño said he would include the wooden open type fence as a condition, with the Planning Director's approval.

**REGULAR MEETING OF THE PLANNING
COMMISSION, CITY OF HAYWARD****Council Chambers****Thursday, June 12, 2003, 7:30 P.M.****777 "B" Street, Hayward, CA 94541**

Commissioner Sacks said she would agree to the requirement of no cinder block fence, but would not agree to more in the motion about a fence. She disagreed with determining the type of fence. She said she would withdraw her second to the motion.

Commissioner McKillop said she would second the motion with the condition regarding an open-type fence.

The **motion passed 7:0**, to approve the appeal of the Planning Director's denial.

3. **Site Plan Review No. 01-130-11 and Variance No. PL-2003-0236 – Chris Zaballos for R. Zaballos & Sons, Inc. (Applicant)/Zaballos Enterprises and John Erickson (Owners)** - Request to Remodel and Reface an Existing Warehouse Building, Demolish an Existing Residence and Build a Two-Story Retail/Office Building with No Setback along the Main Street Frontage Where 4-Feet is Required – The Project is Located at 22405 Through 22425 Main Street, at the Corner of Hotel Avenue

Associate Planner Pearson presented the report. He noted the location of the project. He described the property and existing buildings. The property is complicated by a fault going through the middle of it. A variance from the four-foot setbacks is requested. The developer will encourage more pedestrian traffic. Staff supports the no-setback along Main Street. He said it is an attractive proposal with a nice sign program. Staff recommends adoption.

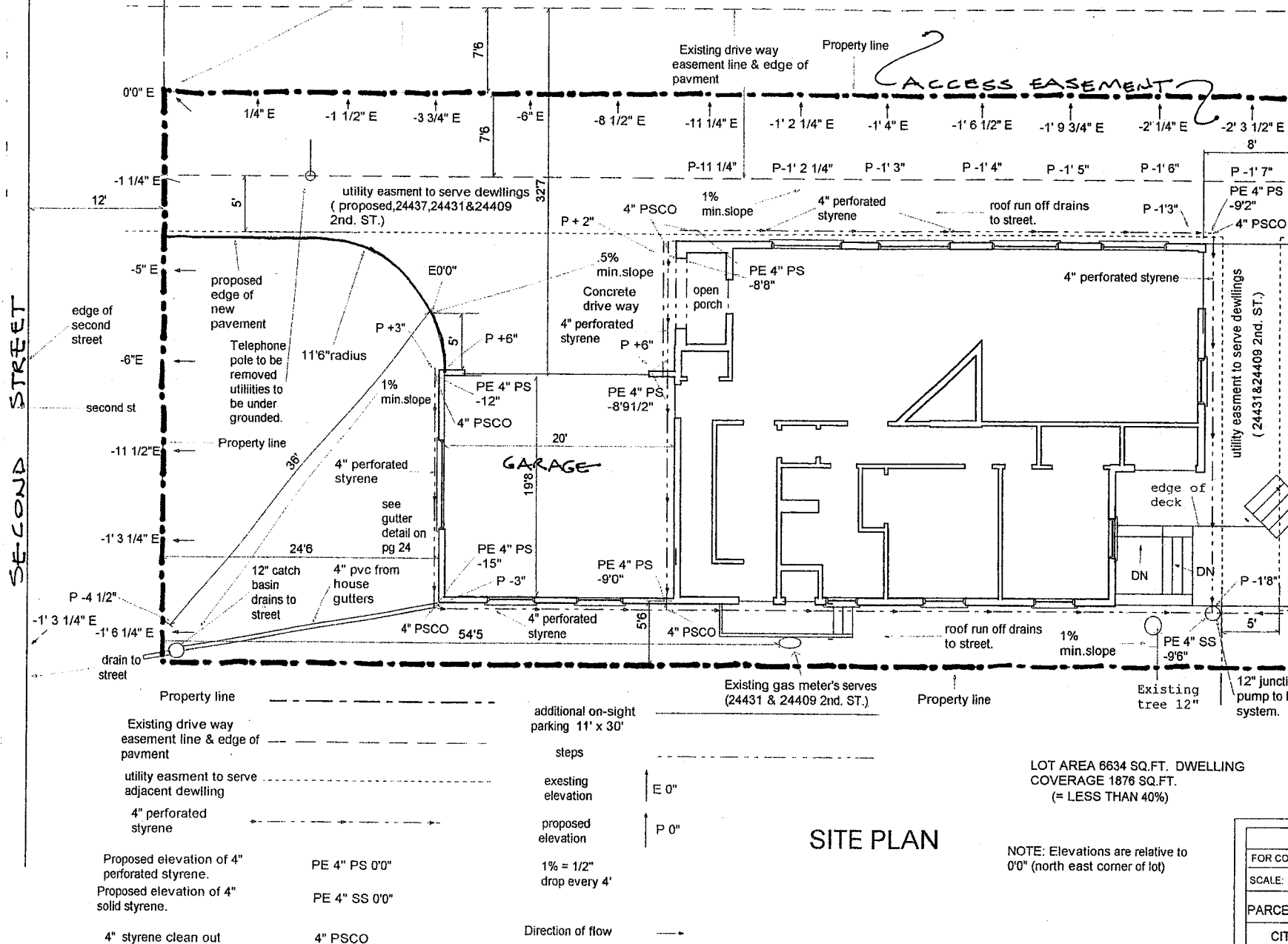
Commissioner Sacks asked about Fault "B" shown in the staff report.

Associate Planner Pearson explained that it had not been determined to be an active fault so there would be no need for a setback.

The public hearing was opened at 9:17 p.m.

Calen Grant, architect for the project noted that Gil and Chris Zaballos were in attendance, as well as the owner of the property, and the senior designer. He commented that the project benefited from being located on a good site. As a result they were able to create a street friendly, pedestrian friendly cannery style project. They hope to attract an upscale restaurant. He indicated that the green structure would contrast nicely with brick structure. He added that the plans included all the amenities as well as lighting, glazing and signage. In reference to the site plan, he noted that the entrance would be from Main Street. There will be a drop off point at the front. He then described the traffic pattern as well as parking, which would be in the rear or circulate around to Main Street. He noted that they have exceeded the parking requirement. He added that landscaping at the site and for the project is important. Since there will be a fairly high retaining wall along Hotel Street. They are trying to mitigate the feeling of a high wall by adding decorative planters and vines, which will coat it, not dissimilar to freeway sound walls. He indicated that plans include keeping structure "B" with all the heavy timber. He described the project as people friendly and having an animated building and site

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SERVICING TEST HYDRANT 4C33 TEST HYDRANT NO. 17479
LOCATION 24438 2ND. ST. STATIC PRESSURE 84 PITOT ~1
GPM 188. 72' FROM NORTH EAST CORNER OF LOT. (0"E)



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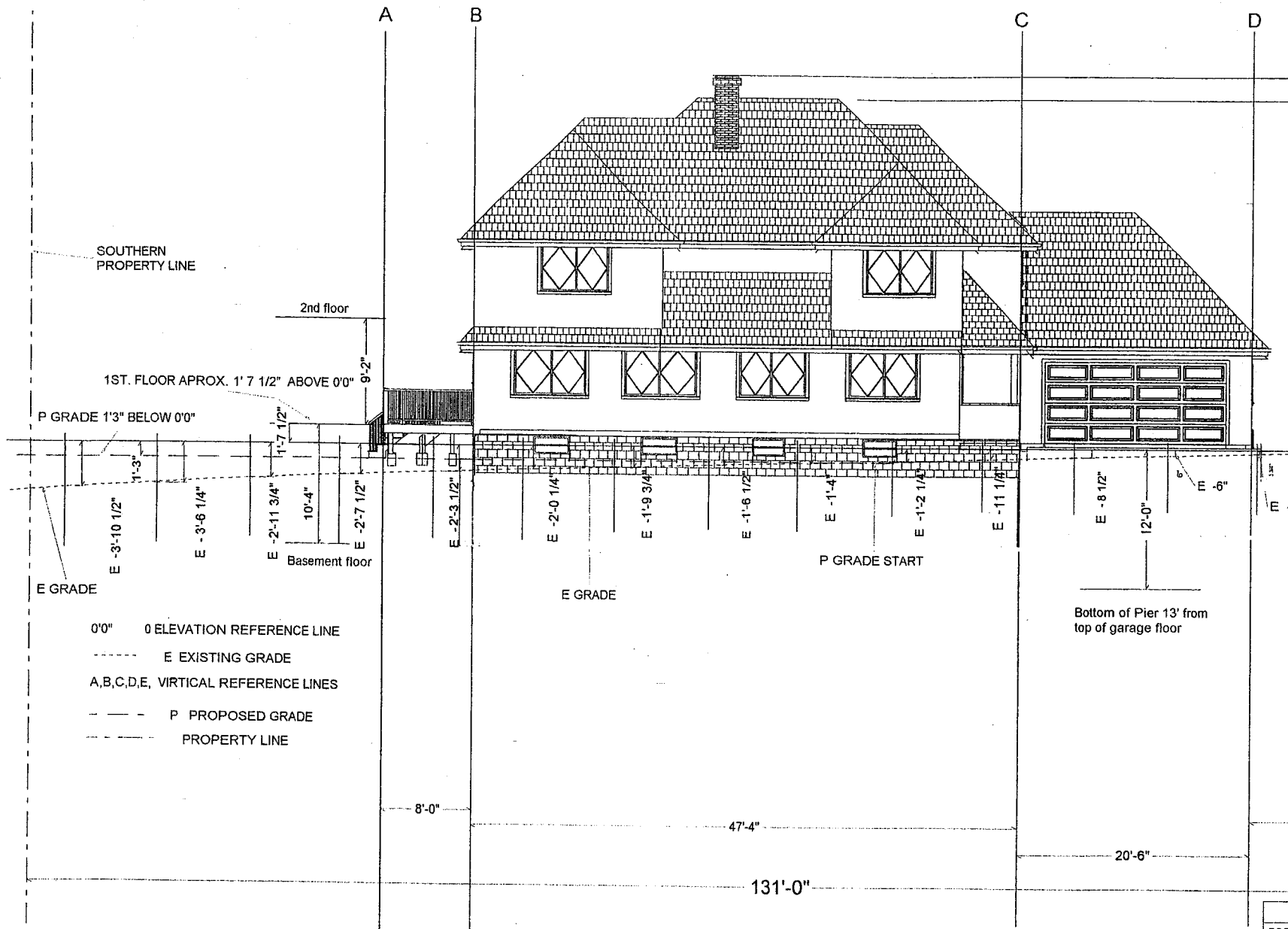
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NORTH ELEVATION
 (2nd Street)

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SOUTH ELEVATION

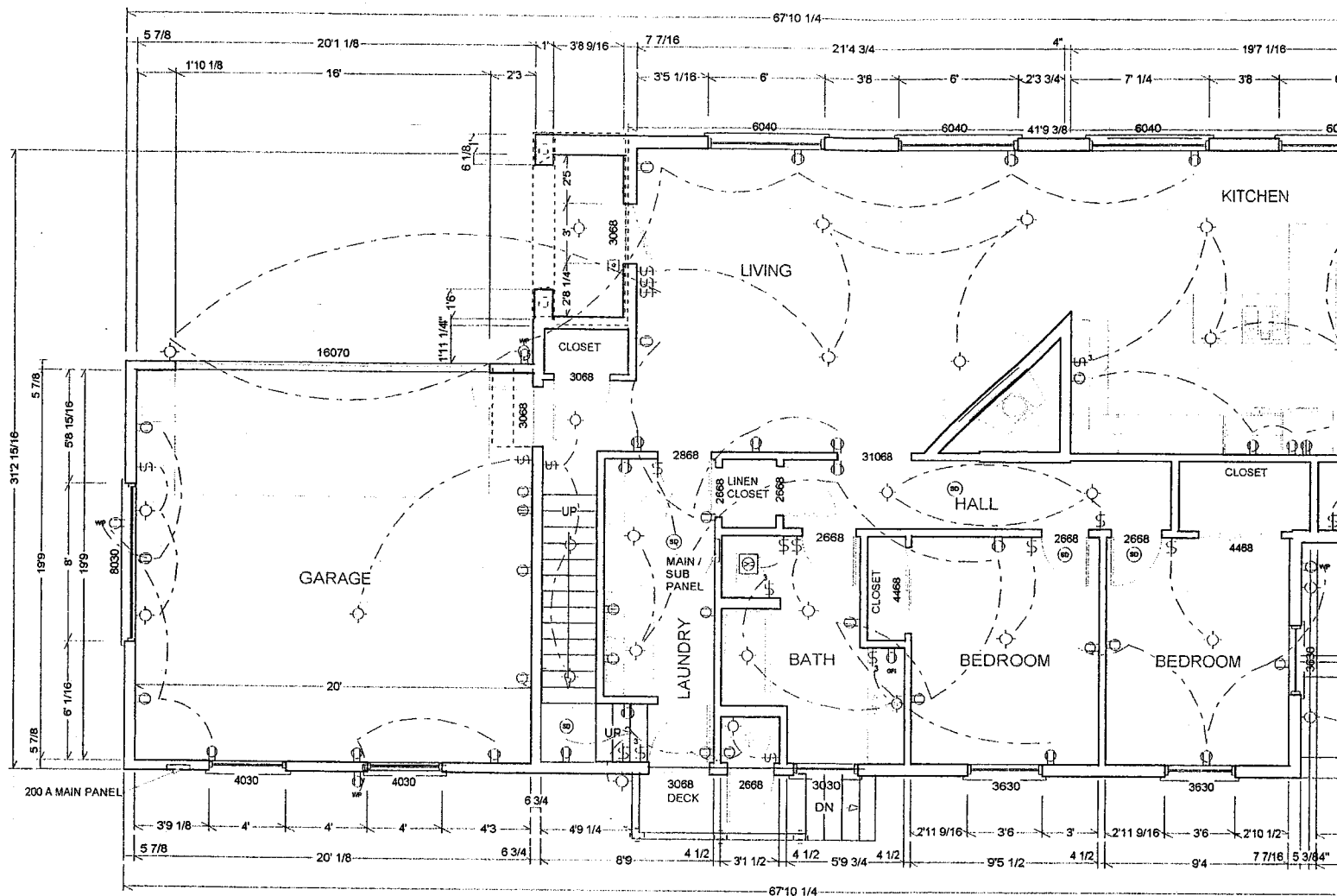
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


















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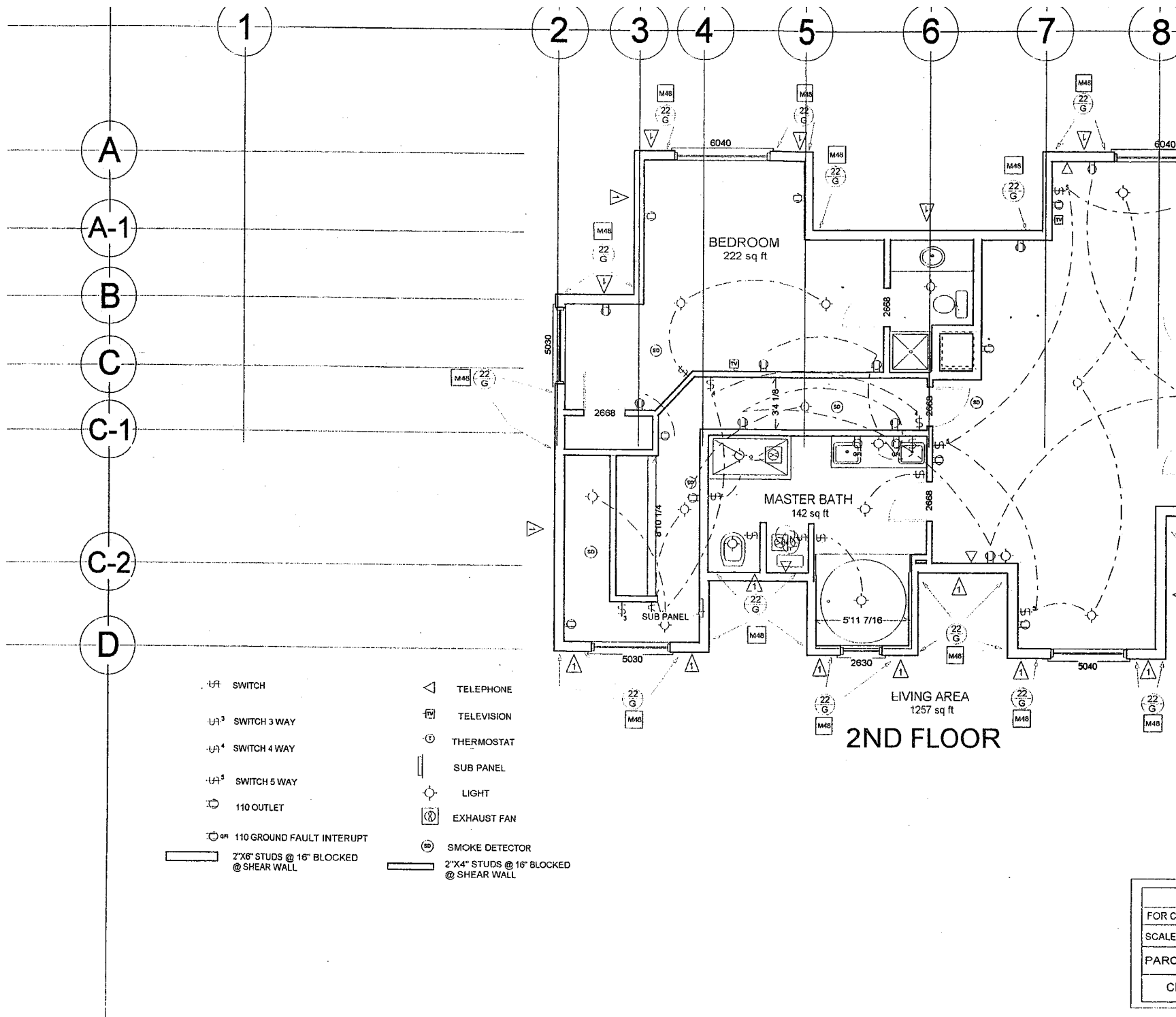
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1ST FLOOR

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|  | SWITCH 3 WAY |  | TELEVISION |
|  | SWITCH 4 WAY |  | DOOR BELL |
|  | SWITCH 5 WAY |  | THERMOSTAT |
|  | SWITCH WEATHER PROOF |  | MAIN / SUB PANEL |
| | |  | LIGHT |
| | |  | EXHAUST FAN |
| | |  | SMOKE DETECTOR |
|  | 110 OUTLET |  | 2"X6" STUDS @ 16" BLOCKED @ SHEAR WALL |
|  | 220 OUTLET |  | 2"X4" STUDS @ 16" BLOCKED @ SHEAR WALL |
|  | 110 OUTLET WEATHER PROOF | | |
|  | 110 GROUND FAULT INTERRUPT | | |

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